

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

VALERIE ANN POHL,

Plaintiff,

v.

CIV 1:22-0339 DHU/DLM

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.


**ORDER ADOPTING MAGISTRATE JUDGE’S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Proposed Findings and Recommended Disposition by United States Magistrate Judge Damian L. Martinez, filed August 10, 2023. (Doc. 36.) The parties have not filed any objections. The Tenth Circuit has held “that a party’s objections to the magistrate judge’s report and recommendation must be both timely and specific to preserve an issue for de novo review by the district court or for appellate review.” *U.S. v. One Parcel of Real Property*, 73 F.3d 1057, 1060 (10th Cir. 1996). The failure to make timely objections to the Magistrate Judge’s Proposed Findings and Recommended Disposition waives appellate review of both factual and legal questions. *Id.* at 1059.

IT IS THEREFORE ORDERED that the Magistrate Judge’s Proposed Findings and Recommended Disposition (Doc. 36) are adopted.

IT IS FURTHER ORDERED that Plaintiff Valerie Ann Pohl’s Motion to Reverse and Remand (Doc. 20) is **GRANTED IN PART**, as outlined in the Proposed Findings and Recommended Disposition, and that Defendant’s Motion to Remand for Further Administrative Proceedings Pursuant to Sentence Four of 42 U.S.C. § 405(g) (Doc. 22) is **GRANTED**.

IT IS FURTHER ORDERED that this matter is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

A handwritten signature in black ink, appearing to read "David Herrera Urias", is written over a horizontal line.

DAVID HERRERA URIAS
UNITED STATES DISTRICT JUDGE